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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,112	04/08/2004	Toshiaki Nagashima	00684.003622	8398

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NEW YORK, NY 10112

EXAMINER

TAWFIK, SAMEH

ART UNIT PAPER NUMBER

3721

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/820,112

Applicant(s)

NAGASHIMA ET AL.

Examiner

Sameh H. Tawfik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4,5,7-9,18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4,5,7-9,18 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10102006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claims 7-9 are objected to because of the following informalities: claims 7-9 are depending from canceled claim 1. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4,5, and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP. (9,222,839) in view of Morinaga et al. (U.S. Patent No. 6,219,506) and further in view of Corbic (U.S. Patent No. 4,228,633).

'839 discloses a manufacturing method for a toner container provided with an opening, said method comprising, a filling step of filling the toner container with toner through an opening (Abstract, lines 1 and 3); a closing step (via lid 40) of setting a cover member and closing the opening with the cover member, after said filling step (Abstract); and a sealing step of gradually welding the cover member and the toner container with each other by ultrasonic welding member (Abstract, line 5; via through ultrasonic weld) which is in contact with a part of a portion to be welded while changing the contact portion around the opening (note that it is inherent that the ultrasonic welding member moves toward the un-welded portion around the opening as by welding different points at the un-welded portion is considered as around the opening, in order to weld that portion).

'839 does not disclose that the sealing step done by an ultrasonic vibration welding. However, Morinaga discloses similar method with the use of ultrasonic vibration (column 10, lines 55-59; via "ultrasonic vibration").

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified '839's method by using an ultrasonic vibration welding, as suggested by Morinaga, in order to protect the edge of the filling port from damage or scraping (column 2, lines 35-39).

'839 nor Morinaga disclose that the toner has a specific gravity not more than 2 and has a particle size not more than 20 microns. However, the examiner takes an official notice that such toner with gravity not more than 2 and particle size not more than 20 microns is old, well known, and available in the art.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified '839's method by using the toner with a specific gravity being not more than 2 and has a particle size not more than 20 microns, in order to protect the edge of the filling port from damage or scraping (column 2, lines 35-39).

839 nor Morinaga disclose that wherein in the sealing step, a pressing step of pressing the cover member into the toner container at upstream and downstream portions, with respect to the movement direction of the welding member where the cover member is in contact with the part of the portion of to be welded.

However, Corbic discloses a similar method of manufacturing container comprising a pressing step of pressing the cover member into the toner container at upstream and downstream portions, with respect to the movement direction of the welding member where the cover

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member is in contact with the part of the portion of to be welded (Fig. 5; via pressing and welding means 13).

Therefore, would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified '839 in view of Morinaga by a pressing step of pressing the cover member into the toner container at upstream and downstream portions, with respect to the movement direction of the welding member where the cover member is in contact with the part of the portion of to be welded, in order to insure and locate the cap in the right position in respect to the container before the sealing step.

Regarding claim 2: '839 discloses further a fixing step of fixing a position of the toner container and substantially preventing movement of the toner container, wherein said filling step is effected after said fixing step, note that it is inherent the while filling the container the container is fixed to avoid spilling of the product around the container.

Regarding claims 7 and 8: '839 does not disclose that in the sealing step the welding jig is circulated around the opening to return to a start point of welding nor has a free projected end. However, the examiner takes an official notice that such movement of welding arm around welding area is old, well know, and available in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified '839 welding arm by circulated welding arm with free end to insure good and complete weld in all sides of the container.

Regarding claim 9: '839 does not disclose that the opening functions to permit removal of a mold during injection molding of the toner container. However, the examiner takes an official notice that manufacturing container by molding means is old, well known, and available in the

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art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified '839 by molding the container and allowing the mold to be removed through the container's opening in order to manufacture molded container as option of a design choice.

Allowable Subject Matter

Claims 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 10/10/2006 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, all the applied references are related to the packaging art of toner, which make it obvious to use one's teaching to modify the others.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470. The examiner can normally be reached on Tuesday - Friday from 9:00 AM to 7:30 PM.

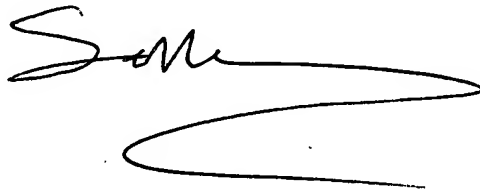
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sameh H. Tawfik
Primary Examiner
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ST.

A handwritten signature in black ink, appearing to read 'Sameh', followed by a long, horizontal, wavy line that extends to the right.